

KOSHIBA AGENA & KUBOTA

JAMES E. T. KOSHIBA 768-0
CHARLES A. PRICE 5098-0
2600 Pauahi Tower
1003 Bishop Street
Honolulu, Hawaii 96813
Telephone No.: 523-3900
Facsimile No.: 526-9829
Email: jkoshiba@koshibalaw.com
cprice@koshibalaw.com

Attorneys for Defendant
UNITED PUBLIC WORKERS,
AFSCME, LOCAL 646, AFL-CIO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

| | | |
|----------------------------|---|------------------------------|
| JEANNE ENDO, |) | CIVIL NO. CV03-00563 LEK |
| |) | |
| Plaintiff, |) | DEFENDANT UNITED PUBLIC |
| |) | WORKERS' MOTION IN LIMINE |
| vs. |) | RE: EXPERT OPINIONS; |
| |) | MEMORANDUM IN SUPPORT OF |
| UNITED PUBLIC WORKERS, |) | MOTION; CERTIFICATE OF |
| AFSCME LOCAL 646, AFL-CIO, |) | SERVICE |
| |) | |
| Defendant, |) | |
| |) | |
| vs. |) | TRIAL DATE: 5/13/08 |
| |) | TRIAL JUDGE: Judge Leslie E. |
| GARY W. RODRIGUES, |) | Kobayashi |
| |) | |
| Third-Party Defendant. |) | |
| |) | |
| |) | |

DEFENDANT'S MOTION IN LIMINE RE: EXPERT OPINIONS

Defendant United Public Workers, AFSCME Local 646, AFL-CIO ("UPW"), respectfully moves this Honorable Court for an order *in limine* to prohibit evidence of any expert opinions.

This motion is made pursuant to Rule 7 of the Federal Rules of Civil Procedure and the Rule 16 Scheduling Orders entered herein, and is based upon the memorandum attached hereto, the records and files herein, and such further argument as may be made by counsel at the hearing hereon.

DATED: Honolulu, Hawaii, April 22, 2008.

A handwritten signature in cursive script, appearing to read "Charles Price", is written over a horizontal line.

JAMES E.T. KOSHIBA
CHARLES A. PRICE
Attorneys for Defendant
UNITED PUBLIC WORKERS, AFSCME
LOCAL 646, AFL-CIO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

| | | |
|----------------------------|---|------------------------------|
| JEANNE ENDO, |) | CIVIL NO. CV03-00563 SPK KSC |
| |) | |
| Plaintiff, |) | MEMORANDUM IN SUPPORT OF |
| |) | MOTION |
| vs. |) | |
| |) | |
| UNITED PUBLIC WORKERS, |) | |
| AFSCME LOCAL 646, AFL-CIO, |) | |
| |) | |
| Defendant, |) | |
| |) | |
| vs. |) | |
| |) | |
| GARY W. RODRIGUES, |) | |
| |) | |
| Third-Party Defendant. |) | |
| |) | |
| |) | |

MEMORANDUM IN SUPPORT OF MOTION

Plaintiff Jeanne Endo has served trial subpoenas upon Izumi Kobashigawa, M.D., and Rosalie Tatsuguchi, Ph.D., and Defendant United Public Workers, AFSCME Local 646, AFL-CIO ("UPW") anticipates that Plaintiff may seek elicit expert opinions from these witnesses. This Court's Rule 16 Scheduling Order, filed February 3, 2004, required Plaintiff to produce expert reports by August 9, 2004. The parties entered into a "Stipulation to Extend Time to File Expert Reports," filed August 16, 2004, extending Plaintiff's expert report deadline to September 20, 2004.

Ultimately, Plaintiff did not provide any expert reports. Having failed to provide expert reports, Plaintiff should be precluded from seeking to elicit any expert opinions from any witnesses.

For the foregoing reasons, UPW respectfully requests that the Court grant its motion for an order *in limine* prohibiting evidence of expert opinions.

DATED: Honolulu, Hawaii, April 22, 2008.

A handwritten signature in cursive script, appearing to read "Charles Price", is written over a horizontal line.

JAMES E.T. KOSHIBA
CHARLES A. PRICE
Attorneys for Defendant
UNITED PUBLIC WORKERS,
AFSCME, LOCAL 646, AFL-CIO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

| | | |
|----------------------------|---|------------------------------|
| JEANNE ENDO, |) | CIVIL NO. CV03-00563 SPK KSC |
| |) | |
| Plaintiff, |) | CERTIFICATE OF SERVICE |
| |) | |
| vs. |) | |
| |) | |
| UNITED PUBLIC WORKERS, |) | |
| AFSCME LOCAL 646, AFL-CIO, |) | |
| |) | |
| Defendant, |) | |
| |) | |
| vs. |) | |
| |) | |
| GARY W. RODRIGUES, |) | |
| |) | |
| Third-Party Defendant. |) | |
| |) | |
| |) | |

The undersigned hereby certifies that the date noted below, true and correct copies of the forgoing document were duly served electronically, addressed as follows:

CLAYTON C. IKEI, ESQ.
CCIOffice@hawaii.rr.com

Attorney for Plaintiff
JEANNE ENDO

ERIC A. SEITZ, ESQ.
eseitzatty@yahoo.com

Attorney for Third-Party Defendant
GARY W. RODRIGUES

DATED: Honolulu, Hawaii, April 22, 2008.

A handwritten signature in cursive script, appearing to read "Charles Price", is written above a horizontal line.

JAMES E.T. KOSHIBA
CHARLES A. PRICE
Attorneys for Defendant
UNITED PUBLIC WORKERS,
AFSCME, LOCAL 646, AFL-CIO